

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**ALEJANDRO GARCIA-ROA,**

**Defendant.**

**CASE NO. 8:14CR357**

## TENTATIVE FINDINGS

The Court has received the Presentence Investigation Report and Addendum (“PSR”) in this case. The parties have not objected to the PSR. See Order on Sentencing Schedule, ¶ 6. The Court takes note that the government did not file a formal objection, but it did present an objection in the Addendum to the PSR, objecting to Paragraphs #51 and #59. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

IT IS ORDERED:

1. The government's informal objection will be heard at the sentencing hearing and the Court intends to adopt the parties' plea agreement;
2. The Court intends to adopt the PSR in all other respects;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary

hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 30<sup>th</sup> day of June, 2015.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge